

United States District Court

For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEKSEY SMOTKIN, No. C 05-00423 MJJ (JL)
Plaintiff,
v. ORDER TO SHOW CAUSE
DEPARTMENT OF HOMELAND
SECURITY, ET AL.,
Defendants.

TO PARTIES AND COUNSEL OF RECORD:

Defendants are hereby ordered to show cause why Plaintiff's application for naturalization should not be granted. This application was filed with the U.S. Immigration and Naturalization Service on March 19, 2003, more than two years ago. Defendants in their Answer respond that they are awaiting the results of a "name check" from the Federal Bureau of Investigation ("FBI") without which they may not adjudicate any application by an adult for any immigration benefit, including naturalization. Plaintiff contends he does not have a criminal record and that his Social Security Insurance ("SSI") benefits have been discontinued due to his not being a United States citizen.

The parties are ordered to appear before this Court for a hearing to decide the reasonable disposition of this action, specifically:

1 1. A date certain by which the FBI name check will be complete;
2 2. Once the name check is complete, the time needed to complete the naturalization
3 process;
4 2. Any hardship to Plaintiff from the discontinuance of his SSI benefits;
5 3. Any other remedy available to Plaintiff.

6 The parties shall appear before the Court on Wednesday May 11, 2005 at 9:30 a.m.

7 IT IS SO ORDERED.

8 DATED: April 28, 2005

9 /s/ James Larson

10 JAMES LARSON
11 United States Magistrate Judge